

STATUS CONFERENCE
BEFORE THE
CALIFORNIA ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION

In the Matter of:)
)
Application for)
Certification for the) Docket No. 01-AFC-1
FPL Energy Sacramento Power,)
LLC's RIO LINDA/ELVERTA)
POWER PROJECT)
-----)

CALIFORNIA ENERGY COMMISSION
1516 NINTH STREET
SACRAMENTO, CALIFORNIA

FRIDAY, SEPTEMBER 7, 2001
10:00 A.M.

Reported by:
Valorie Phillips
Contract No. 170-01-001

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

COMMITTEE MEMBERS PRESENT

Arthur Rosenfeld, Presiding Member

Michal Moore, Associate Member

Major Williams, Hearing Officer

STAFF PRESENT

Lance Shaw, Project Manager

Caryn Holmes, Staff Counsel

Darcie Houck, Staff Counsel

PUBLIC ADVISER

Roberta Mendonca

REPRESENTING THE APPLICANT

Jocelyn Niebur Thompson, Attorney
Weston, Benshoof, Rochefort, Rubalcava and
MacCuish, LLP

John S. Cross, Project Manager
P. Duane McCloud, Project Manager, Power
Generation
FPL Energy

David R. Jones, Vice President
CH2MHILL

ALSO PRESENT

Terry German, Attorney
Livingston & Mattesich

Krishna A. Shah, Project Manager
Kirk Sornborger, Environmental Specialist
Western Area Power Administration
United States Department of Energy

ALSO PRESENT

Brian Krebs, Program Coordinator
Sacramento Metropolitan Air Quality Management
District

Maria de Lourdes Jimenez-Price, Attorney
Sacramento Municipal Utility District

Jack Powell
STOP

Chris Chaddock

Patricia Camatti

Jack Powell

Greg Larkins

Preston Robinson

Lois Robinson

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I N D E X

	Page
Proceedings	1
Introductions	1
Opening Remarks	6
Public Comment	9
Presentations	20
Biological Resources	20
Applicant	20
CEC Staff	20
Rio Linda/Elverta Water District	24
Facility Design	27
Applicant	28, 58
Western Area Power Administration	28
CEC Staff	30, 59
Public Comments	34
Turbine Hall	55
Applicant	55
CEC Staff	56
Public Comment	57
Noise	43
CEC Staff	43
Applicant	46
Public Comments	51
Water	63
Applicant	63
Rio Linda/Elverta Water District	64
CEC Staff	67
Public Comment	70
Schedule	74
Closing Remarks	81

I N D E X

Page

Adjournment 83

Certificate of Reporter 84

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1 P R O C E E D I N G S

2 10:00 a.m.

3 PRESIDING MEMBER ROSENFELD: Good
4 morning, everybody, I'm Art Rosenfeld, the
5 Presiding Member. On my extreme right is Michal
6 Moore, the other Member. And we took our ties off
7 in honor of Friday, but we forgot to tell Major
8 Williams. Major is going to run the show, so.

9 HEARING OFFICER WILLIAMS: Thank you,
10 Commissioner Rosenfeld.

11 Good morning. We're here on a status
12 conference by a Committee of the California Energy
13 Commission on the proposed Rio Linda/Elverta Power
14 project.

15 Commissioner Rosenfeld is presiding and
16 is present. Commissioner Moore is also present.
17 The Commission's Public Adviser, Roberta Mendonca,
18 is present. I believe Roberta has prepared a
19 handout that is available for distribution out in
20 the foyer. If anyone has any questions about the
21 process here today and the purpose of a status
22 conference, I would urge you to get Roberta's
23 attention and pose your questions to her.

24 Roberta -- did she step out? I saw her
25 come in. The Committee set forth its agenda for

1 today's hearing in the notice for this hearing
2 that is dated -- oh, there's Roberta.

3 MS. MENDONCA: Sorry, I was in the back
4 of the room with -- I'm sorry, you asked for?

5 HEARING OFFICER WILLIAMS: I just wanted
6 you to introduce yourself so that folks here know
7 who you are in case they have any questions.

8 MS. MENDONCA: Okay. Good morning, I'm
9 Roberta Mendonca, and I'm the Energy Commission's
10 Public Adviser. Thank you.

11 HEARING OFFICER WILLIAMS: Thank you. I
12 think what we'll do now is we'll go down the list
13 of parties and have the parties make their
14 introductions, starting with the applicant.

15 MS. THOMPSON: I'm Jocelyn Thompson,
16 counsel to the applicant on this project. We have
17 a cross-section of our team with us today. To my
18 right is Duane McCloud. We also have in the back
19 row, the front row here, Dave Jones from CH2MHILL
20 and John Cross, our Project Manager.

21 HEARING OFFICER WILLIAMS: Thank you.
22 Staff.

23 MS. HOLMES: Caryn Holmes, staff
24 counsel. To my left is Darcie Houck; she's also
25 staff counsel. And to my right is Lance Shaw, the

1 Energy Commission's Project Manager.

2 HEARING OFFICER WILLIAMS: Thank you.

3 Is Western here?

4 MR. SORNBORGER: Yes, we're here.

5 HEARING OFFICER WILLIAMS: Okay. Sir,
6 would you come up and maybe sit next to the staff
7 at the table? Could you introduce yourself for
8 the record, state your appearance.

9 MR. SORNBORGER: My name is Kirk
10 Sornborger; I'm the Environmental Project Manager
11 for this project with Western Area Power
12 Administration.

13 HEARING OFFICER WILLIAMS: Thank you.
14 Is the Rio Linda/Elverta Community Water District,
15 anybody present for the District?

16 MR. GERMAN: Yes. Terry German from
17 Livingston and Mattesich. I'll be here on behalf
18 of the District.

19 HEARING OFFICER WILLIAMS: Okay, the
20 reporter needs to hear you, so for those folks who
21 are speaking today I would ask that you approach
22 that mike there at the podium. And you're going
23 to have to speak into the mike, close to the mike
24 so that the reporter can hear. Because we need to
25 take down what is said on the record here today.

1 Okay.

2 So, could you again state your
3 appearance over at the podium so we can be sure
4 that she got your name.

5 MR. GERMAN: Terry German from
6 Livingston and Mattesich; I'm here on behalf of
7 the District.

8 HEARING OFFICER WILLIAMS: Thank you.
9 Is the Sacramento Air Quality Management District
10 present? Sir, could you come up to the mike and
11 state your appearance.

12 MR. KREBS: Hello; I'm Brian Krebs with
13 the Sacramento Metropolitan Air Quality Management
14 District.

15 HEARING OFFICER WILLIAMS: Thank you.
16 Is SMUD present, anybody from SMUD?

17 MS. JIMENEZ-PRICE: Yes.

18 HEARING OFFICER WILLIAMS: Could you
19 come up and state your appearance, please.

20 MS. JIMENEZ-PRICE: Hi. My name is
21 Lourdes Jimenez-Price, legal counsel

22 HEARING OFFICER WILLIAMS: Okay.

23 PRESIDING MEMBER ROSENFELD: I didn't
24 hear you; say it again.

25 MS. JIMENEZ-PRICE: Lourdes,

1 L-o-u-r-d-e-s, Jimenez, J-i-m-e-n-e-z, dash Price.

2 PRESIDING MEMBER ROSENFELD: Thank you.

3 HEARING OFFICER WILLIAMS: Okay. Again,
4 if you have a business card make sure that the
5 reporter gets it so that we get your name spelled
6 correctly.

7 Do we have any individual -- well, first
8 of all, did I get all the government or all the
9 agencies who are present here in the introductions
10 so far? Is there anybody here that I didn't get,
11 any government agency? Okay.

12 Individual intervenors, is Ms. Esther
13 McCoy here? No. Mr. John Sheppard? No. Is
14 there anybody here from the Coalition for Fair
15 Employment and Construction? Okay.

16 Applicant, have you seen that petition
17 to intervene?

18 MS. THOMPSON: I saw it yesterday, as a
19 matter of fact. I noticed that the proof of
20 service says, I believe, some date in July. But
21 our envelope is dated, I believe, August 25th or
22 August 28th. It was received in my office on the
23 30th when I was on vacation. So we haven't really
24 had a chance to look at it.

25 My best guess is we won't oppose it,

1 just as we haven't opposed the others. But, we
2 have only just received it, notwithstanding the
3 date on the proof of service.

4 HEARING OFFICER WILLIAMS: Okay. Well,
5 the Committee will expect some written notice as
6 to your position on that petition to intervene.

7 MS. THOMPSON: Would next week be
8 sufficient time?

9 HEARING OFFICER WILLIAMS: Ten days will
10 be fine.

11 MS. THOMPSON: Thank you.

12 HEARING OFFICER WILLIAMS: Okay. For
13 purposes of our discussion today, except for some
14 inquiries the Committee wishes to make of the Air
15 District, the Committee will follow the outline of
16 questions presented in the notice of status
17 conference.

18 At the end of each section we will first
19 take any comments or questions from the
20 participating agencies and intervenors. After
21 that the Committee then will entertain questions
22 from the public.

23 We note that staff has recommended that
24 its work on the project be suspended until such
25 time as the applicant answers the outstanding data

1 requests and submits is supplement to the AFC. Am
2 I correct on that, staff?

3 MS. HOLMES: Yes. And in addition we
4 would request that the PDOC be filed before the
5 PSA.

6 HEARING OFFICER WILLIAMS: Applicant, I
7 take it you remain opposed to suspension of the
8 project?

9 MS. THOMPSON: Yes, we certainly remain
10 opposed to suspension. On the PDOC, after further
11 discussions with the Air District, we propose one
12 change to our proposed schedule, which would be to
13 have the PDOC in early November.

14 There is a hearing in late October on a
15 proposed rule change which would have an impact on
16 the ERCs for this project.

17 HEARING OFFICER WILLIAMS: The
18 representative from the Air District, would you
19 approach the microphone and tell us what your --

20 MR. KREBS: Well, as indicated, we had a
21 meeting yesterday to discuss these issues. And it
22 is true that one of the provisions that the
23 applicant is relying upon is a change in our rule,
24 the new source review rule, which is proposed in
25 late October. So it certainly couldn't happen

1 before then.

2 We did not commit exactly to the middle
3 of November; that would be the best case scenario.
4 It depends on whether or not all the outstanding
5 issues have been resolved to our satisfaction by
6 then.

7 COMMISSIONER MOORE: What's the next
8 event that would happen? Or the next meeting that
9 would take place? If you missed that, the date
10 that counsel is asking for, what's the next
11 meeting that would take place?

12 MR. KREBS: In November, late November.
13 Or actually, is it -- yeah, late November.

14 MS. THOMPSON: As I understand it, it's
15 already been shifted from September to October, so
16 I don't know that we're anticipating any further
17 delay in the consideration of the rule change.

18 MR. KREBS: That is correct.

19 HEARING OFFICER WILLIAMS: Okay. Thank
20 you, sir. Based on the presentations today, the
21 Committee either will issue an interim or revised
22 scheduling order, or an order that will suspend
23 staff's work on the project, subject to applicant
24 petitioning to reopen upon the occurrence of the
25 stated events.

1 What I failed to mention was that the
2 public certainly has, and is encouraged to
3 participate in these proceedings. I have one blue
4 card already from Mr. Jack Powell, who apparently
5 has to leave at 11:00, is that right, sir? Could
6 you approach the microphone?

7 MR. POWELL: I'm sorry, I have to leave
8 a little early, but I just wanted, you know, to
9 state that I'm Jack Powell, resident in Rio Linda/
10 Elverta. I'm here today to just ask the Board to
11 make sure they don't rush this Florida Power Plant
12 through the process to license it.

13 If so, it needs to be a good plant for
14 the community, and you know, all the safety issues
15 and air quality issues, we really need some
16 concerns on.

17 However, we're hoping that it's not
18 going to be built in the community. I'm just
19 letting you know how some of us residents feel in
20 the area.

21 That's about all I have to say.

22 HEARING OFFICER WILLIAMS: Thank you,
23 sir. Are there any other members of the public
24 here who, at this time, would like to make an
25 introduction? Sir.

1 MR. ROBINSON: My name is Preston
2 Robinson and I'm opposed to this power plant, as
3 we pointed out many times in many letters to Mr.
4 Shaw.

5 The FLP is about as popular in Elverta
6 and Rio Linda as a flu epidemic I would say. And
7 they're actually worse than a flu epidemic because
8 they last longer.

9 And we're opposed for many good reasons
10 that we pointed out in a number of letters, but
11 they're still here. But we're going to fight this
12 awfully hard, and get the Natomas Park involved,
13 and everyone that's around this power plant.

14 It's a threat to our lives and the way
15 of life and our neighborhood. I don't have
16 anything prepared, but that's my comments. Thank
17 you.

18 HEARING OFFICER WILLIAMS: Thank you.
19 Any other public members who would care to
20 approach at this time? Would you come to the
21 mike, sir.

22 MR. CHADDOCK: Yes, my name's Chris
23 Chaddock and I'm a property owner to the adjacent
24 proposed power plant.

25 Living 165 feet from the proposed power

1 plant, and owning land adjacent to the power plant
2 site, we feel as though we're not getting any
3 answers. Just when we think we have a project,
4 the project changes.

5 So it takes more time to write more
6 questions without getting any answers to
7 biological studies. I thought they were already
8 completed; yet, today there are 30 trucks, 50
9 cars, fuel tanks, gas tanks, used oil tanks and
10 other potentially dangerous items to biological
11 resources on the project that haven't even yet
12 started to be looked at.

13 At the County Supervisors' meeting
14 August 29th we learned of a new 60-foot tall wall
15 and the removal of the turbine hull structure to
16 mitigate visual. Yet on page 519-16, table 5.9-6,
17 noise mitigation methods, there would have been a
18 26 decibel reduction to us from the GTSSs, the
19 STGs, the gas compressors, the inlet air
20 transition and associated auxiliary equipment are
21 enclosed in this structure, which is being
22 eliminated or reduced in size.

23 When will the new ambient sound levels
24 be taken? All things that should have been done
25 months ago.

1 In 5.9.2 we all would like to know what
2 is their applicable criteria that they're imposing
3 for possibly like 5.9.2.1 construction impacts
4 using 29-year-old information from construction
5 sites of power plants, EPA 1971.

6 Or table 5.9.2 not having any heavy
7 equipment listed that would be used to move more
8 than the 100,000 cubic yards of cut and fill for
9 equipment noise levels.

10 Then there's water. The present law
11 from the zoning agreement that's still in place
12 that prohibits Rio Linda Water District from using
13 groundwater for the proposed site is the exact
14 same water that FPL wants to use.

15 Who knows what studies would be
16 necessary, when they would be started, let alone
17 be completed.

18 I have not seen in writing the type of
19 mitigation before the project starts for their
20 part of depleting 25 percent, at best, the present
21 groundwater or the FPL data states if the Rio
22 Linda Water District would be using the
23 groundwater.

24 These are just a few of the obvious
25 reasons Florida FLP should withdraw their AFC or

1 have it suspended, and then start with a new
2 timeframe.

3 I am sure that FPL, with their
4 commitment to environmental stewardship, would
5 eagerly agree to your highly valued decisions, as
6 an adjacent property owner, myself, will.

7 Thank you for your time.

8 HEARING OFFICER WILLIAMS: Thank you,
9 sir. Again, the public folks who are present,
10 after we talk about each topic, if you'd like to
11 come back and address that particular topic you're
12 welcome to do so.

13 Yes, ma'am.

14 MS. THOMPSON: Yes, Mr. Williams, it's
15 not my intention to try to respond to each of
16 these substantive issues as they arise, because I
17 understand that this is not the appropriate forum
18 for that.

19 But I do want to make it clear that
20 while we have an option on the property, we are
21 not currently the owner, and we do not control the
22 property at this point in time.

23 So, while I've seen Mr. Chaddock's
24 photographs dealing with trucks, that's not at
25 issue as far as we can determine in this

1 proceeding because we don't know what the current
2 property owner is doing with those trucks on the
3 property at this point in time.

4 HEARING OFFICER WILLIAMS: Thank you.

5 MS. CAMATTI: Good morning.

6 HEARING OFFICER WILLIAMS: Good morning.

7 MS. CAMATTI: My name is Patricia
8 Camatti; I'm also an adjacent property owner. I
9 come before you today to express my personal
10 concerns in regards to Florida Power and Light's
11 application, and what I would consider very
12 unprofessional business manners.

13 My first meeting with a representative
14 of this company was at their request, and was
15 scheduled at my home, which is located
16 approximately 250 yards from the footprint of this
17 proposed plant.

18 I was told that this company wants to be
19 a good neighbor in this community and was out
20 meeting the nearby residences to address any of
21 our concerns.

22 My companion and I expressed that we
23 felt that the land proposed had zoning
24 restrictions. We discussed our concerns over the
25 noise, the possible liquefaction of soils,

1 floodings, visuals, air pollution and the lack of
2 water, and the McClellan plume.

3 We were told they would get back to us
4 to our concerns. They've never contacted us
5 personally to do that.

6 I have attended all of the CEC meetings
7 and workshops on this project. I am amazed and
8 appalled that this applicant so blatantly
9 sidesteps direct questions by our CEC Staff; or
10 will give a very vague, impartial answer.

11 I am not sure if they are that
12 unknowledgeable, or that they are purposely not
13 answering questions as received in hopes that it
14 will get lost and never have to be addressed.

15 As for the community, at the workshop
16 that is designed to ask questions and receive
17 answers, the staff for FPL would or could not
18 answer 90 percent of the questions put forth to
19 them. And we were asked to put it in writing.

20 However, over 50 percent of the original
21 data requests made of the applicant that were to
22 be gone over at this workshop was either
23 incomplete or most of all of the visuals was
24 turned in so late that the CEC Staff was even
25 trying to review it at that time.

1 I am also amazed that this applicant can
2 just choose to change whatever design to this plan
3 or rearrange major components to the design of it
4 without having to start this process all over from
5 scratch so that they could receive input and
6 questions from the CEC and the community.

7 Does this company always do whatever
8 they want, how they want, and when they want with
9 no repercussions? What gives this company the
10 right to break the rules when other companies, and
11 us as community members, who are impacted by it,
12 must follow them?

13 As for the water issue. I have no read
14 or heard at the Water Board meetings of any
15 funding being provided by the applicant as
16 requested for any studies to be done to determine
17 the availability or the impacts of groundwater
18 usage. If they truly wanted to know the outcome
19 they would be spending the moneys that would
20 determine if they could obtain what was even
21 required to operate their business.

22 When I attended the informational
23 hearing sponsored by the applicant it was held at
24 the elementary school, which is less than one mile
25 from the proposed site.

1 It was stated at this meeting that the
2 plant noise would be less than we were hearing
3 within the room and that that plant would be just
4 as quiet as our household refrigerators.

5 I believe that having ten 65-foot
6 cooling towers operating to produce the cooling
7 required for 560 megawatts of power 250 yards
8 away, even if I never left the shelter of my home,
9 would be more than hearing a household
10 refrigerator.

11 So, all I can say in regards to the
12 visual aspects of this plant of this magnitude,
13 250 yards away from my living room window, is that
14 it's unimaginable to me.

15 I have heard the FPL Staff contradict
16 the information supplied in their own AFC when
17 questioned. I've heard their staff reply to an
18 answer that they couldn't supply certain
19 information in regards to the water modeling
20 effects on our rivers in one breath, and then turn
21 around and attempt to answer another person's
22 question by describing that same modeling effect
23 for the rivers. So, which is it? They either
24 know it or they don't.

25 I believe that the applicant has created

1 much doubt and uncertainty of its safe and
2 reliable operations. It has shown me or the
3 community its good neighbor policy. And at this
4 point we are not even sure of the plant design,
5 the zoning, the water, the gasoline, the sewage,
6 on and on. And we're already eight months into
7 this process.

8 I am for suspension of this project.
9 Thank you.

10 HEARING OFFICER WILLIAMS: Ma'am, you
11 are aware that there is a -- staff has scheduled a
12 workshop for September 11th and 12th --

13 MS. CAMATTI: Yes.

14 HEARING OFFICER WILLIAMS: -- that will
15 include a discussion of water issues?

16 MS. CAMATTI: Um-hum.

17 HEARING OFFICER WILLIAMS: And I think
18 that will probably go forward regardless of what
19 this Committee does. I don't think that there's
20 going to be, in consideration of the deliberation
21 and what-have-you, I don't think there's going to
22 be an order coming out prior to that scheduled
23 workshop. So, as far as I know that will go
24 forward.

25 Applicant, is that correct, are we

1 talking about ten 65-foot cooling towers? Is that
2 part of the design?

3 MS. THOMPSON: I'm going to let Mr.
4 McCloud answer that.

5 MR. McCLOUD: We're talking about one
6 cooling tower but it has ten cells for an overall
7 height of 65 feet.

8 HEARING OFFICER WILLIAMS: Could you
9 explain what you mean when you talk about single
10 cooling tower with ten cells?

11 MR. McCLOUD: Yes. You have ten fans,
12 each fan with an individual stack. So it's a
13 long, thin tower with ten, generally referred to
14 as cells, but it's individual fan stacks; ten of
15 those.

16 HEARING OFFICER WILLIAMS: But one 65-
17 foot tower --

18 MR. McCLOUD: Right, one 65-foot tall
19 tower.

20 HEARING OFFICER WILLIAMS: Okay. I just
21 wanted to clarify that.

22 I think now what we'll do is we'll just
23 move along through the topics that were put in the
24 notice. I note that applicant did provide a
25 summary to response in their status report.

1 And if applicant could begin again with
2 your responses in the area -- we'll begin with
3 biological resources, and we'll just go down the
4 list.

5 MS. THOMPSON: Certainly. The first
6 inquiry on biological resources was the status of
7 biological survey information that the staff had
8 requested. This was discussed at the data
9 response workshop.

10 And at that time it did appear as though
11 certain surveys that had been completed had not
12 been completely described in the data responses,
13 particularly with respect to certain information.
14 That information is available. The second round
15 of data requests again is specifically focused on
16 that. And the information will indeed be
17 presented in the responses to the second set of
18 data requests.

19 It is available. The surveys were done
20 last spring. And the information can easily be
21 compiled and presented.

22 HEARING OFFICER WILLIAMS: Staff, do you
23 have any comment on this?

24 MS. HOLMES: No, we did not get the
25 information that we were looking for in response

1 to the first round of data requests. And a more
2 specific and more detailed request was filed with
3 the second round that was also discussed at the
4 data response workshop that was held earlier this
5 summer.

6 So, we'll have to wait and see what we
7 get when we get the data responses to know whether
8 or not the information is now complete or not.

9 MS. THOMPSON: This does raise one
10 question. At the data response workshop when it
11 became apparent to all that there would be a
12 second round of data requests, some of them
13 following up on the information that was already
14 provided, we did offer to provide things as they
15 became available.

16 This information is certainly available.
17 Staff expressed the view at the data response
18 workshop that they would prefer to have one
19 submission because it certainly was easier to
20 manage in terms of distribution. And we would
21 like to respect that if that's their view.

22 But if information is available we are
23 willing to provide it earlier than the date that
24 we have presented in our proposed schedule.

25 MR. SHAW: I'd like to say more about

1 that. Lance Shaw, Siting Project Manager.

2 A little bit more about the bio surveys.

3 At this time we're not sure of the linear
4 facilities for water, so we're not sure if those
5 bio surveys are done or not.

6 I'll be more specific. The well sites
7 that we've been given, we're not sure if those
8 sites are the well sites. They've not been
9 blessed by the Water District.

10 HEARING OFFICER WILLIAMS: Applicant,
11 can you address that point?

12 MS. THOMPSON: Well, the well sites that
13 were proposed are taken from the Rio Linda/Elverta
14 Community Water District master plan. We took the
15 maps that identify well sites.

16 Based on a discussion with the Rio
17 Linda/ Elverta Community Water District we were
18 instructed to use the three well sites that were
19 closest to the facility.

20 We then had a consultant go out and
21 examine those well sites for ground truthing, if
22 you will. And in some instances the site needed
23 to be adjusted slightly, 100 feet one way or
24 another way, to avoid, you know, an area that
25 might be a wetland or something along those lines.

1 And that is what was presented to staff.
2 All routes from those well sites have been
3 submitted.

4 Now, it is correct that there are no
5 wells there yet. And so we do not have pumping
6 data from those locations yet. At some future
7 point in time when -- well, I should also say
8 we're going to have a water workshop next week,
9 and it is no secret to anyone that we are very
10 interested in responding to all issues that staff
11 has put on the table. And that next week's water
12 workshop will help us decide where to go with
13 respect to water.

14 But if we retain the approach of
15 purchasing water as a customer of the Rio Linda/
16 Elverta Community Water District, we have no
17 information at this point which would say the well
18 sites are going to be anything different than what
19 we have proposed and what has been surveyed.

20 When wells are drilled, if they turn out
21 not to perform as they would need to perform, then
22 we understand that there would need to be some
23 additional work done to allow the use of any other
24 wells.

25 But I don't think in this regard we're

1 different from, you know, other applicants using
2 well sites. I mean until you drill the well you
3 do not know how that well will perform.

4 HEARING OFFICER WILLIAMS: The
5 representative from the Water District, do you
6 have anything to add, sir, to this colloquy?

7 MR. GERMAN: At this time the District
8 has been meeting with FPL regarding the water
9 issues. You know, the discussions are ongoing,
10 and I don't think I'm at liberty to discuss any
11 more than that.

12 HEARING OFFICER WILLIAMS: Okay. What
13 about the possible decrease in river flows of the
14 Sacramento and American Rivers? I know, again,
15 you addressed this in your status report, but for
16 the benefit of those present, could you again
17 engage us in a discussion of that?

18 MS. THOMPSON: What we have proposed is
19 the use of groundwater. And the volumes that we
20 are proposing are within the amounts that have
21 been evaluated by a number of water agencies or a
22 collective of individual water agencies in the
23 past.

24 Staff has asked us to look more
25 specifically at the impacts of just the pumping

1 that would be associated with the project, as
2 opposed to the larger programs that have been
3 described by the water agencies.

4 And one of the questions that staff has
5 raised is whether the pumping of the specific
6 amount of water that would be required to support
7 this project would decrease the flows in the
8 American or Sacramento Rivers.

9 On a broad conceptual plane I guess the
10 concept could have some merit. We are not aware
11 of modeling which would accurately be able to
12 assess that.

13 We do want to talk to the staff further
14 about it, and that is the primary reason why we've
15 been very eagerly awaiting the water workshop.

16 We expect, at the workshop, to discuss
17 modeling which is required for various scenarios,
18 including what is proposed in the AFC or other
19 alternatives which we have been looking at as a
20 way to reduce potential impacts or mitigate
21 impacts.

22 We are very hopeful that we'll have a
23 discussion about what would be considered
24 significant under these various scenarios, so that
25 we can propose a project that we can get support

1 on.

2 We have not been presented with modeling
3 which would answer that particular question that
4 you posed.

5 HEARING OFFICER WILLIAMS: Staff?

6 MS. HOLMES: Staff has no doubt that
7 there are potential implications on the Sacramento
8 and the American Rivers. We base this conclusion
9 on the analytical work that the water agencies
10 have done that Ms. Thompson referred to.

11 There is a question about the level at
12 which we or the applicant will be able to identify
13 specific impacts. And we hope to be able to
14 discuss that at the workshop next week, various
15 options in terms of modeling and doing scenario
16 analyses.

17 But in our mind, there is no doubt that
18 those potential impacts will occur if the project
19 uses groundwater. And that's why we want to
20 discuss the issue at the workshop.

21 HEARING OFFICER WILLIAMS: So then I
22 take it you will be discussing possible mitigation
23 measures, as well?

24 MS. THOMPSON: Potentially. I think the
25 first chore before us is to be able to decide how

1 we're going to approach it analytically; how we're
2 going to be able to identify the extent of the
3 impact; what degree of certainty we will be able
4 to attach to the results of any such analysis.

5 HEARING OFFICER WILLIAMS: Thank you.
6 Just before I forget, where precisely are the
7 proposed wells in relation to the site of -- to
8 the facility? In other words, are the wells --

9 MS. THOMPSON: Generally to the east --

10 HEARING OFFICER WILLIAMS: What I'm
11 asking really is are they in the flood plane?

12 MS. THOMPSON: The wells -- one of the
13 reasons for adjusting one of the well sites, as I
14 understand it, we don't have the fellow here who
15 did the -- walked the sites, but one of the
16 adjustments was specifically to insure that the
17 well site would be above the FEMA, current FEMA
18 designated flood level.

19 So, the short answer is no, we will not
20 be installing wells below the flood level.

21 HEARING OFFICER WILLIAMS: Okay, we'll
22 move on to facility design. And what we're going
23 to address here is the status of any negotiations
24 with Western over any alternative transmission
25 interconnection.

1 MS. THOMPSON: Sure. When we were
2 originally discussing with Western interconnection
3 of the project with their Elverta substation we
4 had anticipated that we would be taking
5 transmission lines up to the substation and
6 connecting at the substation.

7 Western suggested an alternative which
8 was to tie in at the plant, itself, with this
9 double loop connection to a line that passed
10 through our property. And that is what was
11 presented in the AFC. The AFC described an
12 interconnection at the Elverta substation as an
13 alternative.

14 Western has now had a chance to look at
15 this in even greater detail and decided that they
16 would prefer the tie-in to occur at the Elverta
17 substation.

18 We will present the information with
19 respect to that in the supplement that we are
20 proposing to submit October 1st.

21 HEARING OFFICER WILLIAMS: Western,
22 could you elaborate on that a little bit?

23 MR. SORNBORGER: Western Power
24 Administration is kind of split into two halves
25 right now. We have a transmission side of the

1 house and an environmental side of the house.

2 And we're lucky today we have one of the
3 transmission engineers, Mr. Krishna Shah is here.
4 And he would probably be better to address that
5 particular issue.

6 HEARING OFFICER WILLIAMS: Yeah, Mr.
7 Shah.

8 MR. SHAH: Yeah, I'm Krishna Shah with
9 Western Area Power Administration. And we have
10 re-examined all the alternatives that were
11 proposed in AFC, three different locations. And
12 didn't go re-examination the Elverta substation to
13 maintain the required -- suggested that it should
14 be double buss double breaker type arrangement.
15 If FPL will accept then we can accept the line
16 coming from the power plant to the expanded
17 Elverta substation.

18 And that alternative is acceptable to
19 Western now.

20 HEARING OFFICER WILLIAMS: You mentioned
21 expansion of the substation.

22 MR. SHAH: Yes. It will require
23 addition of 11 breakers at Elverta substation.
24 And FPL will come onto dedicated base which will
25 use four breakers out of 11. And then the

1 remaining breakers are required to maintain the
2 integrity and reliability of our Elverta
3 substation, which is one of the greater
4 substations.

5 HEARING OFFICER WILLIAMS: How much
6 construction will that entail?

7 MR. SHAH: Preliminary design says we
8 will have to move our existing fence about 150
9 feet south from where it is. And maybe another
10 150 feet west. So that's the additional length.

11 And then two transmission line coming
12 from the power plant to the substation.

13 HEARING OFFICER WILLIAMS: Thank you,
14 sir. Staff?

15 MS. HOLMES: Obviously we're waiting to
16 see whether or not this is formally submitted to
17 us. My understanding is that it will be, as a
18 part of the amendment to the AFC, that FPL has
19 discussed in several filings.

20 I would point out that a change in the
21 interconnection will necessitate additional
22 information requirements and some areas sort of
23 going back to ground zero, for example. With
24 respect to biology, it's our understanding that
25 there are vernal pools that will be impacted. And

1 that there may be federally listed endangered
2 species. We'll obviously have to have surveys to
3 address that, and we'll need to have cultural
4 resources surveys.

5 In addition, changing interconnection
6 changes the transmission system engineering
7 analysis that staff does, as well as an evaluation
8 of any potential downstream facilities that are
9 needed. And we don't know whether or not that
10 will change with the new proposal.

11 So it's a fairly significant change from
12 staff's perspective.

13 MR. SHAW: Lance Shaw, Project Manager.
14 I'd like to modify that and maybe Caryn said it.
15 I'd like to say it again.

16 It is the "but-for" test. It appears
17 that this Western substation would not be expanded
18 but for this project.

19 MS. THOMPSON: Well, I don't know that I
20 agree with that statement. On the other hand we
21 are certainly prepared to provide the cultural and
22 the biological and the other information that was
23 described.

24 COMMISSIONER MOORE: Well, I think the
25 critical point is that that's a question which

1 would have to be evaluated whether you agree with
2 it, counsel, or not.

3 MS. THOMPSON: What I'm saying is that
4 we're happy to provide all that information even
5 if we don't meet the "but-for" test and I --

6 COMMISSIONER MOORE: Understand, but the
7 test, as to whether or not the project of this
8 size would initiate a change in that station is
9 something that will have to be analyzed critically
10 and discretely inside the report.

11 So, the opinion will be important, but
12 it will have to be based on the facts that are
13 presented to us.

14 HEARING OFFICER WILLIAMS: The next
15 issue that we have is, in terms of facility
16 design, is applicant's plans which address
17 potential flooding drainage and emergency
18 responses at the site.

19 As I recall at the informational hearing
20 on of the public members presented pictures which
21 tended to show that this area is subject to very
22 heavy flooding. It appeared from the pictures
23 that roads were submerged; just really significant
24 water drainage issues out there.

25 How is the applicant addressing that

1 issue?

2 MS. THOMPSON: Well, precisely because
3 there were serious flooding problems there, there
4 were changes to the levee system. And that is
5 separate and apart from this project.

6 Those changes took place in the late
7 1990s, subsequent, as I understand it, to the
8 photographs that were presented at the information
9 workshop. And FEMA now has designated a 100-year
10 flood level of 31 feet above mean sea level.

11 The project will not be constructed at
12 31 feet or lower. It will be substantially higher
13 than that.

14 There is a portion of the extension to
15 Sorrento Road, the access road, which will cross
16 an area that is at or below the 31 feet. And, of
17 course, we would properly construct the roads.
18 The road would not be below 31 feet.

19 We understand that there are other
20 drainage and run-off issues associated with any
21 change to the site elevation. And this project
22 will move forward with a balanced cut-and-fill.
23 And we will be sure that we do not adversely
24 affect the run-off and drainage from the site
25 through the construction.

1 HEARING OFFICER WILLIAMS: Staff?

2 MS. HOLMES: We're continuing to look at
3 this issue as well. One of the areas that we are
4 concerned about is that it appears that the FEMA's
5 flood designations and the County's may not be
6 entirely consistent, and that portions of the
7 project may, in fact, be in areas that the County
8 has designated as having flood potential.

9 So we're going to be working with the
10 County and continuing to evaluate this.

11 HEARING OFFICER WILLIAMS: Yes, sir,
12 please approach -- again, public members, if you
13 have any comment to make as we move through these
14 various topics just let me know by raising your
15 hand in case I forget to verbally state that
16 you're certainly welcome to.

17 MR. POWELL: Jack Powell, again,
18 resident of Elverta. I've lived on El Rio Avenue
19 for 15 years. I pay flood insurance on part of my
20 property is at 34 feet. My house is at 41, almost
21 42 feet elevation. And they make me pay flood
22 insurance on the house contents and the house,
23 itself, CalVet does. Because part of my property
24 at 34 feet is in the flood plane.

25 Since they built a NEMDC pump station we

1 have seen Serrano Road flood last year, and we
2 know that if the pumps should happen to fail at
3 the NEMDC pumping station and it's raining hard
4 the canal can keep a'coming up. There's no
5 guarantee that the pump station cannot fail. I
6 mean anything mechanically can break.

7 However, if the three pumps can't keep
8 up with a good hard rain, the elevation can keep
9 a'climbing. Mr. Heyer said in '86 we do know that
10 it was at 37. Since then they have opened up the
11 pumping station.

12 However, in last year we had Serrano
13 flooded and I would say the elevation at that time
14 was, you know, probably in the neighborhood of,
15 actually said 30 or 31 feet but we didn't have any
16 real rain. But, again, if you do have a good
17 downpour and those three pumps can't keep up at
18 the pumping station, the canal will keep a'coming
19 up.

20 So, anything could happen out there. I
21 think if they're going to make me carry flood
22 insurance at elevation 34, I don't see how FEMA
23 can say everything else in the area is at 31.
24 Someone needs to get together. And if that's the
25 case then I need to be able to drop my flood

1 insurance where I live and shouldn't have to carry
2 it for CalVet loan.

3 That's my own belief. And I still think
4 that it would get to the 37 if it keeps a'rainning
5 for two or three days. Most of the storms only
6 last, you know, 12 to 18 hours. But if you get a
7 freak storm it could flood, and it could flood
8 that high.

9 Esther McCoy is not here today. We got
10 pictures of West Sixth and U Street where rowboats
11 and motorboats were going through that area. And
12 in that one corner there it was probably in the
13 neighborhood of five to six feet deep with no
14 doubt at all the water was up to Esther's front
15 porch, just about ready to go in her house.

16 So, I'm sure that there's data available
17 on that. But it --

18 HEARING OFFICER WILLIAMS: Do you know
19 the elevation of her house?

20 MR. POWELL: I would say the elevation
21 of her house is probably about 38 feet. Because
22 the water was almost at her front door, but that
23 was in '86 when they didn't have the pumping
24 station.

25 We do know that the levee at that time

1 was at 39. And when they built the levee up for
2 Natomas, they took it to 45 at the pump station,
3 and it drops back down to 38 elevation on the rest
4 of the levee going past Elkhorn/Elverta Road and
5 on down to Base Line.

6 So, there again, they do have a pumping
7 station. I wouldn't guarantee anything, anything
8 mechanical can break. So, I would say at least
9 build the station 37 or 38 feet above, including
10 their road. If they can build it at 31 then most
11 of us residents in the area, the County needs to
12 come in and rezone us so we can get out of a flood
13 plane area.

14 I know when it rains every winter my
15 pasture still goes under, you know, I lose about
16 an acre out of the five I have.

17 So great concerns on that elevation 31.
18 I don't think it's feasible.

19 HEARING OFFICER WILLIAMS: Thank you,
20 sir.

21 MR. POWELL: Thank you.

22 MS. THOMPSON: Mr. Williams, perhaps it
23 would be helpful if Dave Jones from CH2MHILL
24 describes in more detail the analysis on flood
25 issues that he's going through at this point in

1 time.

2 HEARING OFFICER WILLIAMS: Okay, before
3 you do that I have a question of the Water
4 District. Does the Water District have
5 jurisdiction in any way over that canal or the
6 pumping station?

7 MR. GERMAN: I don't believe so, but I'm
8 not a hundred percent sure, either.

9 HEARING OFFICER WILLIAMS: Does anybody
10 know the answer to that question?

11 MR. CHADDOCK: Yes, my name's Chris
12 Chaddock; I'm an adjacent property owner. And to
13 my best knowledge they have absolutely no control.
14 The NEMDC is a federally controlled canal; and
15 that canal has been turned over to SAFCO, which is
16 a state agency. And it's a joint effort between
17 the County actually operating the pumps -- the
18 County actually operates the pump for the SAFCO
19 people that take control of that.

20 The water from the Sacramento River
21 backs up the NEMDC, which is actually called
22 Steelhead Creek now, and it backs all the way up
23 to the pumping station where there are a set of
24 floodgates that can be opened or closed.

25 But if there was a major catastrophe at

1 Sacramento and the levees would be inundated into
2 the City, the flood level could rise to 41 feet.
3 And the federal government is presently raising
4 the levees around Sacramento to 44 feet just in
5 case such a rare occurrence would happen.

6 And these backflows from the American
7 and Sacramento Rivers would flood over top of
8 these pumping stations. And the pumping station,
9 in itself, would not have anyplace to dump the
10 water that backs up behind the floodgates, which
11 are intended to protect the lower Natomas area,
12 and subsequently our property, my house. And
13 could flood to right around 40 feet in elevation.

14 And the applicant is actually, on your
15 behalf, actually is having the flood floor level
16 at about 40, 41 feet mean sea level. So, the
17 water will be lapping at their front door, but it
18 will not go under at that time.

19 HEARING OFFICER WILLIAMS: Thank you,
20 sir.

21 MR. CHADDOCK: And I have some pictures
22 you might be interested in, the design of the
23 holding ponds, which was my next comment.

24 HEARING OFFICER WILLIAMS: Yes.

25 MS. THOMPSON: While he's passing out

1 his pictures there's a term that's been used a
2 number of times, NEMDC. That's actually all caps,
3 NEMDC, for the clerk's benefit. The Natomas East
4 Main Drain Channel.

5 COMMISSIONER MOORE: We'll take these
6 and then we'll make sure that everybody gets a
7 chance to see them. We don't want to disrupt the
8 hearing. Thanks.

9 We'll make sure everybody gets copies of
10 these; that they're docketed.

11 HEARING OFFICER WILLIAMS: And you're
12 certainly free to come up here and look at them at
13 anytime.

14 Applicant.

15 MS. THOMPSON: Yes, I have --

16 HEARING OFFICER WILLIAMS: Sir, did you
17 finish?

18 MR. CHADDOCK: Yeah, I just had one more
19 comment that for as far as the drainage and the
20 flooding go, as you can see in the pictures that
21 their holding pond there will be discharging into
22 our property.

23 And according to the County, the Water
24 Resources explains to me that when you change
25 sheet flow to condensed flow that there's to be a

1 permanent easement granted from the condensed flow
2 to another guaranteed discharge, which would be
3 possibly, unless they went down the middle of the
4 road, it's supposed to go through our property,
5 which is about 400 feet through our property,
6 which we haven't had any discussions with the
7 applicant yet at all to purchase any type of an
8 easement through our property for their drainage
9 there.

10 HEARING OFFICER WILLIAMS: Thank you.
11 Applicant.

12 MS. THOMPSON: Yes, I have Dave Jones
13 here to describe the flooding analysis that he's
14 doing.

15 HEARING OFFICER WILLIAMS: Okay.

16 MR. JONES: My name is Dave Jones with
17 CH2MHILL, civil engineers.

18 I am not personally doing the flood
19 analysis, but we're having a staff of civil
20 hydrological engineers conduct the drainage
21 analysis on the site right now, as we speak.

22 I have been personally in touch with the
23 Sacramento County Department of Water Resources.
24 They have confirmed that the flood level that they
25 would hold the standard is 33 feet. And to

1 acknowledge the staff's concerns about the 31 FEMA
2 line versus the 33 feet that the County is using.

3 And working with Florida Power and
4 Light, understand that we're going to be at an
5 elevation much greater than that in terms of the
6 facilities and the road coming in.

7 Our analysis objective is to make sure
8 that there will be no surcharge, flooding
9 surcharge, at any structures, the access road
10 included in that. Any additional impact of a
11 flood will be mitigated so there will be no
12 offsite impacts from any flooding events.

13 And in terms of the drainage onsite, we
14 are complying fully with the County standards to
15 retain all drainage onsite per County standards,
16 which I don't know the numbers, I haven't
17 memorized them right offhand, but we're doing
18 that, as well.

19 HEARING OFFICER WILLIAMS: What federal
20 standards apply out there that you have to be
21 aware of?

22 MR. JONES: It is the County standards
23 that primarily govern. Federal is basically -- I
24 guess the County has jurisdiction in terms of
25 flooding, you know, and drainage analysis and

1 standards.

2 HEARING OFFICER WILLIAMS: Staff, are
3 you aware of any federal regulations that govern
4 out there, other than the County's own rules?

5 MS. HOLMES: I'm not, but this isn't an
6 issue I discussed with staff before the status
7 conference, so I'd feel more comfortable if I had
8 a chance to talk with them before I give you a
9 final answer on that.

10 HEARING OFFICER WILLIAMS: I just think
11 it's something we ought to look into, particularly
12 if the federal government has jurisdiction over
13 the canal, the pumping station.

14 MR. JONES: May I add that it's my
15 understanding that the pumping station is managed
16 by the Sacramento Area Flood Control Agency, which
17 is a joint powers agency between the County and
18 the City. And I'm not sure if the federal
19 government has, you know, operations of the pump
20 station.

21 HEARING OFFICER WILLIAMS: Okay. I
22 think we'll move on to noise. And I think first
23 of all we should perhaps hear from staff as to the
24 applicable noise standards that will be applied.

25 I think there was some concern from the

1 applicant that there were varying standards. So
2 if we could address that from staff first it would
3 be helpful.

4 MS. HOLMES: Thank you. We did express
5 concern about noise at the workshops, and I think
6 our data requests reflect that.

7 As you're probably aware, CEQA
8 establishes several guidelines for evaluating
9 noise impacts. One is whether or not community
10 noise standards would be violated. And in
11 addition to that CEQA directs lead agencies to
12 address whether or not there's going to be
13 significant increases in ambient noise levels.
14 And staff is looking at both of those issues in
15 this case.

16 The concern, as I understand it at this
17 point, is focused not on the community noise
18 standards, but on whether or not there's going to
19 be significant increase over ambient or background
20 levels.

21 One of the issues that we're struggling
22 with, and we're struggling with it in other cases,
23 as well, is whether or not we want to apply the
24 same criteria in making that evaluation for
25 projects that are located in very noisy

1 environments as we do to projects that are located
2 in very quiet environments.

3 And staff is evaluating the possibility
4 of developing alternative criteria for different
5 types of sites. And I can't give you more
6 information than that at this point, because we
7 haven't finished the siting, how we're going to
8 address it.

9 It is, as I said, something that's being
10 addressed in I believe it's the East Altamonte
11 case, as well, where there's very very quiet
12 background levels.

13 And staff may be developing and
14 presenting in its PSA a set of criteria for
15 evaluating increases that treat quiet environments
16 differently than they treat noisy environments.

17 HEARING OFFICER WILLIAMS: Well, I think
18 that that's good, but to be fair to the applicant,
19 I think certainly at the workshop that's coming
20 up, if we could perhaps find a way to present some
21 at least concrete, as concrete as possible,
22 information for them to work off. I think that
23 would be helpful. I think they're entitled to
24 that.

25 MS. HOLMES: I think that's an excellent

1 idea, and we'll certainly do everything we can.
2 Again, we're working on this in several cases, so
3 I know that there's a lot of concern about us
4 finishing this process as quickly as possible.

5 I would point out that at the board of
6 supervisors meeting, which I think was last week
7 or the week before, we learned for the first time,
8 or we saw for the first time proposals to change
9 the enclosure and to add a wall.

10 Obviously we're going to have to go
11 back, or they're going to have to go back and re-
12 do some noise evaluations, because the noise
13 impacts are going to necessarily be different with
14 that kind of a proposal.

15 So we've got several issues with respect
16 to noise on the table at this point. We've got
17 the criteria that staff will apply. In addition
18 we've got the fact that the project has changed
19 and its noise characteristics will change as a
20 result of that.

21 HEARING OFFICER WILLIAMS: Thank you.
22 Applicant.

23 MS. THOMPSON: Yes. Because of the
24 concern about visual impacts associated with the
25 turbine hall, we have scaled down the size of the

1 turbine hall by sizing the turbine hall for the
2 turbines rather than the crane that was going to
3 be servicing the turbines. Now the crane is
4 outside.

5 So, Ms. Holmes is correct that that does
6 have other implications for the project,
7 incorporation of that mitigation has other
8 implications for the project.

9 We, too, recognize that there will need
10 to be additional noise modeling done as a result.
11 And, in fact, this change to the turbine hall to
12 address visual concerns has required the
13 incorporation of additional noise mitigation
14 measures. So we will describe all of those in a
15 supplement.

16 We would very much like to know what
17 we're aiming for. On the other hand, if the only
18 thing that we could be told concretely right now
19 is the most restrictive of the possible scenarios,
20 then that's not particularly helpful, either.

21 And so I guess the bottomline is we very
22 much want to be involved in this dialogue. We
23 have initiated a survey, ourselves, of a number of
24 different types of projects, including going
25 through dockets of the Energy Commission, as well

1 as other lead agencies, so that we can map out
2 what is typical or standard.

3 And I guess so far in going through
4 dockets of this agency, while we see this standard
5 articulated about the 5 dba above the ambient,
6 there are a number of questions associated with
7 that.

8 First off, what ambient measurement are
9 you using? Are you using the LEQ? Are you using
10 the L50? Are you using the L90? Even if you pick
11 which one of those levels you are using, are you
12 using the lowest measured L90 or the lowest
13 measured L50, or are you using an averaging.

14 And while we have seen this stated
15 threshold of 5 dba above ambient, it does not
16 appear that from project to project there's
17 consistent application of that, because there are
18 so many other variables. The 5 dba is only one of
19 the variables to describe the change in noise
20 environment.

21 So, I can't discern a standard, looking
22 back at what the agency has done in the past, at
23 least not one that is firm. If I could then maybe
24 that could tell us the answer right now.

25 In addition, when we look at other lead

1 agencies, what we find most typically is the use
2 of the community's noise ordinances. And then if
3 ambient noise is above the levels allowed by the
4 community standard, then these increments of 5
5 dba, or more typically 3 dba, because that's
6 what's considered a perceptible change, is what is
7 used as the significance threshold.

8 So, we're trying to develop this
9 information as quickly as we can. It's a big
10 investment of time in terms of trying to read
11 through a lot of EIRs and other equivalent
12 documents.

13 But we're trying to compile it so that
14 we can participate in this dialogue as best as
15 possible.

16 HEARING OFFICER WILLIAMS: I think the
17 workshop will be a good way to address this
18 particular issue.

19 Members of the public, please come to
20 the mike.

21 AUDIENCE SPEAKER: Could you please
22 speak into the microphone? We can't hear and some
23 of us are a little harder hearing back here.
24 Thank you.

25 HEARING OFFICER WILLIAMS: Okay, thank

1 you, thank you. I believe there are members --
2 staff?

3 MS. HOLMES: I can answer the questions
4 if this is an appropriate time to do that --

5 HEARING OFFICER WILLIAMS: Sure.

6 MS. HOLMES: -- about staff uses the L90
7 measurements at the quietest of the sensitive
8 receptors. That is the standard that we have been
9 applying. It's a very strict standard, if you
10 will, it's a very conservative standard.

11 And it's precisely because of the fact
12 that there are concerns that it may not be an
13 appropriate standard to apply in an extremely
14 quiet environment that staff is considering
15 changing it.

16 And we will discuss it at the workshop.
17 But in terms of what is currently being applied
18 it's a 5 dba increase using the L90 level at the
19 quietest sensitive receptor.

20 MS. THOMPSON: But, I mean, even within
21 that, in some instances I see the lowest measured
22 L90 and sometimes I see the average night time
23 L90. And those are, indeed, different standards,
24 as well. So, I think we have a lot to talk about.

25 HEARING OFFICER WILLIAMS: Okay.

1 Members of the public, please come to the
2 microphone.

3 MR. CHADDOCK: Yes, my name's Chris
4 Chaddock, property owner next to it. I suffer
5 from tinnitus, and one of the criteria in finding
6 a home suitable for us to live in was a home that
7 was very far from the roadway. Our house is about
8 600 feet from the roadway.

9 We looked to the south and we had no
10 neighbors; and we looked to the north and we were
11 told by the County that under the present zoning
12 that's in law that it was to resort back to
13 industrial reserve property, and that there was to
14 be no other industrial uses of this piece of
15 property to the north of us.

16 I purchased property to the west of us,
17 13 acres, to provide another very sound quieting
18 effect that I would not have any other intrusions
19 on the other side of me.

20 The people on the east of me are in 10-
21 acre lots; there's approximately five people in
22 about a half mile across the street from us.

23 So these were very significant criteria,
24 extreme quiet, that we are exposed to out there in
25 living. A 5 decibel increase would be a very

1 significant increase to us, as we would interpret
2 that.

3 Thank you.

4 HEARING OFFICER WILLIAMS: Thank you.
5 Please approach the mike, sir.

6 MR. ROBINSON: I'm Preston Robinson. I
7 live a half a mile from the proposed power plant.
8 And the Dover Elementary School is even closer to
9 this power plant than I live.

10 It is a very quiet neighborhood. It's
11 the main reason this is not a good site for this
12 power plant.

13 The zoning and all of that's in question
14 now. And I would like for you to read this paper,
15 if you would. I'll leave it and you can copy it
16 or whatever.

17 COMMISSIONER MOORE: You can leave it
18 with our staff, sir.

19 HEARING OFFICER WILLIAMS: Could you
20 identify what that is, for us, please.

21 MS. HOLMES: It says it's The Rio Linda-
22 Elverta News, volume 19, number 36, Thursday,
23 September 6, 2001.

24 And we can have a copy of this docketed.

25 HEARING OFFICER WILLIAMS: I'd

1 appreciate it, thank you. Thank you. Sir, would
2 you approach the microphone, please.

3 MR. LARKINS: My name is Greg Larkins.
4 My question is when you take into consideration
5 ambient noise there is also railroad tracks that
6 border the west side of this project.

7 Are ambient noises from the railroad
8 tracks included in that, or is that something
9 above and beyond the ambient noise levels that
10 you're measuring?

11 When people state that this is a quiet
12 neighborhood, there are trains that rumble through
13 there. And I'm just wondering if that's part of
14 the ambient noise that's being measured.

15 MS. HOLMES: Trains do get picked up in
16 the ambient noise measurements. How heavily they
17 get weighted depends on, as Jocelyn was referring
18 to earlier, about the type of standards that you
19 use for comparison purposes, L90, L50, LEQ.

20 I think that rather than get into a
21 technical discussion of how we evaluate noise, we
22 can discuss it at the workshop. We can also make
23 sure that there is somebody available, if the
24 public is interested, to give a brief overview of
25 what those terms are and how they get used and how

1 they get incorporated into our analysis.

2 HEARING OFFICER WILLIAMS: Sir, does
3 that answer your question?

4 MR. LARKINS: Yes.

5 HEARING OFFICER WILLIAMS: Staff will
6 certainly make someone available to you, if you'd
7 like, to get into that kind of a discussion. And
8 also again at the workshop next week that will be
9 a topic of discussion for sure.

10 MS. THOMPSON: While I realize we'll
11 talk about it more next week, I think the more
12 accurate answer is that in this location if you
13 use an L90, which means a standard that is
14 exceeded 90 percent of the time, and you're trying
15 to design around the only 10 percent quiet case,
16 you actually eliminate all factoring in of the
17 trains, which come by, as best I can tell,
18 sometime like once to three times per hour.

19 But they would not consume any more than
20 10 percent of the time; therefore, they would have
21 no influence over that L90 standard.

22 So an area that I speculate was zoned
23 industrial in part because of its proximity to the
24 tracks now our noise analysis for what is
25 acceptable is eliminating that very intrusive

1 noise source, which is up to 90 decibels several
2 times an hour.

3 HEARING OFFICER WILLIAMS: Okay. We
4 talked a little bit about the turbine hall, and
5 that's a change in the design plan, is that
6 correct?

7 MS. THOMPSON: If we have questions
8 about the turbine hall design I'm going to turn
9 that over to Mr. McCloud.

10 HEARING OFFICER WILLIAMS: Thank you.

11 MR. MCCLOUD: Yes. And again, as you
12 made reference to previously, the design of the
13 turbine hall, due to visual concerns that were
14 expressed in the first round of questions, as
15 being implied that it was a significant impact
16 that didn't see an easy way to mitigate, we have
17 reduced the size of that hall to the minimum we
18 can to accommodate most of the facilities in the
19 plant.

20 So it has changed, yes.

21 HEARING OFFICER WILLIAMS: Was the
22 turbine hall part of the original design?

23 MR. MCCLOUD: Yes, there was a turbine
24 hall in the original design. That turbine hall
25 was a building that was approximately 80 to 90

1 feet tall. That was expressed as being a concern
2 due to what was described as a massive block
3 structure.

4 We went back and with our designers
5 figured out what we could do to make that less
6 massive and make that less visually apparent.

7 So now there still is a turbine hall,
8 but that turbine hall is much smaller in terms of
9 height than it was originally.

10 HEARING OFFICER WILLIAMS: Staff?

11 MS. HOLMES: Well, we only saw the
12 pictures of it at the board of supervisors meeting
13 for the first time last week. We haven't
14 evaluated it.

15 We know, as I said earlier, that there
16 may be changes in -- obviously there will be
17 changes in the visual analysis. There may be
18 changes in the noise analysis. There may be other
19 changes, as well, but we really need to see the
20 proposal before us before we can evaluate it.

21 HEARING OFFICER WILLIAMS: And your
22 expectation is that that will occur in the
23 supplement?

24 MS. HOLMES: That's my understanding.

25 MS. THOMPSON: Yes, we will present all

1 that information in a supplement. I should say we
2 also have presented the revised turbine hall
3 design at other public forums including others
4 attended by the Commission Staff.

5 It was presented probably for the first
6 time publicly at the August 14 meeting at the
7 Community Planning Advisory Council attended by
8 Commission Staff.

9 And, again, if staff would like that
10 information transmitted to them formally today, we
11 can do it today.

12 HEARING OFFICER WILLIAMS: Yes, ma'am.
13 Please approach the microphone.

14 MS. ROBINSON: I'm Lois Robinson; I
15 lived in Elverta for 38 years. There's probably
16 two trains today that runs through there, maybe
17 three. This plant is going 24 hours a day, and
18 that noise is not going to stop.

19 Thank you.

20 HEARING OFFICER WILLIAMS: Again, I
21 think that the primary visual impacts that the
22 Committee wanted to address today was the design
23 plan configuration of the turbine hall.

24 There has also been some changes in the
25 cooling tower. Would you address those,

1 applicant, please?

2 We've already clarified that we're
3 talking about, I believe, a 65-foot cooling tower,
4 a single structure, a single tower.

5 MS. THOMPSON: Let me start and then
6 I'll turn it over to Mr. McCloud.

7 One of the other issues that was raised
8 as a concern by staff and the public was the
9 plume. And, of course, there's been an evolution
10 recently in the Energy Commission's treatment of
11 plumes. We've seen that in a number of the more
12 recent dockets. And there's been much more
13 rigorous attention paid to plumes.

14 As the project was originally proposed
15 in the AFC there was no abatement of the plume.
16 We were asked to provide information on plume
17 abatement.

18 When we went back and tried to
19 incorporate plume abatement it became apparent
20 that that would not be possible unless we changed
21 the configuration of the cooling tower.

22 And so I'm going to turn it over to Mr.
23 McCloud to describe the changes to the cooling
24 tower.

25 MR. MCCLOUD: The primary change in the

1 cooling tower from a visual standpoint, other than
2 the fact that the plume is abated now, it was not
3 before, which is intermittent impact visually, is
4 originally we had ten cell towers we discussed
5 earlier. Cells being fans that was a five-by-two
6 configuration, five long and two wide.

7 In order to accommodate plume abatement
8 technology which requires you to be able to bring
9 in warm air from both sides of the fan, we had to
10 go to a single in-row cooling tower. So the
11 length of the cooling tower approximately doubled,
12 with approximately cut in half, and as a result
13 it's longer and thinner.

14 And that will have impacts to visual; it
15 will have impacts to noise, as previously
16 mentioned. It also does impact the air modeling.
17 And the air modeling is being updated to
18 incorporate that change, as well.

19 HEARING OFFICER WILLIAMS: Staff.

20 MS. HOLMES: I don't have much to add to
21 that. Obviously we're pleased to see that there's
22 been a proposal to reduce potential for plumes
23 because we were very concerned about the plumes,
24 and we had mentioned that in the workshops we will
25 be evaluating the effectiveness of their proposal,

1 as well as the revised air quality modeling and
2 the changes in the visual appearance of the
3 structure when we get the responses to the data
4 requests.

5 MR. SHAW: Lance Shaw, Project Manager.
6 I'd like to say one other thing. Someone
7 mentioned ten structures, someone mentioned one.
8 There is a set of cooling towers on the wall, and
9 you can look at that as one structure or five.
10 Those are also visible plumes.

11 HEARING OFFICER WILLIAMS: Yeah, that
12 does present somewhat of a dilemma without having
13 a picture. I guess it's sort of like looking at a
14 glass half full or half empty.

15 Sir.

16 MR. SHAW: So there will be ten of those
17 cells, one by ten long by one. So, again, the
18 person who says there will be ten is correct; the
19 person who says there's one structure is correct.

20 MR. ROBINSON: In the beginning the
21 plumes were going to reach 1250 feet in the air.
22 I'd like for someone to tell me how they changed
23 that to go less than 1250 feet in the air, of the
24 pollution plumes.

25 MR. McCLOUD: Just for clarification

1 you're specifically asking what physically was
2 changed, or what the impact of the change will be?

3 MR. ROBINSON: Yeah, how did you change
4 it from 1250 feet to anything lower, that's what
5 I'm asking.

6 MR. McCLOUD: The plume abated towers
7 we're proposing are sometimes what's called a
8 wet/dry tower, has that same basic cooling tower
9 where there is a direct contact between the air
10 and the water which creates the -- which, in the
11 right environmental conditions, can create that
12 plume, as you see.

13 It also has in the upper section a dry
14 section which is a dry heat exchanger basically.
15 Additional air is drawn into that upper section.
16 It's heated, but no moisture is added to it. So
17 the relative humidity of that air is lowered.

18 That mixes with the wet air coming up
19 from the bottom so that the net air coming out the
20 top has a lower humidity. It's no longer
21 exaggeration. So when it hits what causes the
22 plume, which is the cooler air around the tower,
23 there's no precipitation of that moisture out. It
24 mixes with the ambient air and that moisture
25 level -- it doesn't get wet enough to where it

1 creates that fog that you see in the picture over
2 here.

3 MR. ROBINSON: Well, if it depends on
4 the weather what does it do when there's a real
5 foggy night, and we have two or three days of them
6 at a time? Is it going to make the fog worse?
7 What do you think about that?

8 MR. McCLOUD: Well, again, this is
9 getting a little more of a met question there.

10 COMMISSIONER MOORE: You know, I'm going
11 to have to stop this. This isn't the time for
12 testimony. You can get some questions out, but
13 this is -- we're not under oath here, this is a
14 meeting to try and get some scheduling issues out
15 and get the issues identified that people are
16 going to respond to.

17 So, it's a good question to have on the
18 table. And I think during the investigation we'll
19 have to make sure that that gets answered. But
20 this is not the forum to try and elicit an answer.

21 MR. ROBINSON: I hope they do address
22 those questions.

23 COMMISSIONER MOORE: Well, we'll make
24 sure that they do, but this is not the forum.
25 Counsel, we need to focus on just getting the

1 issues addressed here, as opposed to getting off
2 into trying to answer other questions.

3 HEARING OFFICER WILLIAMS: I think that
4 applicant will be happy to talk with you after the
5 meeting if you'd like to pursue it with them
6 further, and certainly at the workshop. I think
7 will be next week, will also be a time where you
8 can address these particular questions.

9 I think then we'll move along to water,
10 which I know is a big issue. Applicant, do you
11 have -- certainly we know that you're looking to
12 apply wet cooling technology to the project. Have
13 you looked at alternative cooling technologies?
14 Is that something that you have addressed?

15 MS. THOMPSON: Yes, certainly we have.
16 There is some information on alternative cooling
17 methodologies in the application. In addition, it
18 was the subject of data requests in the first
19 round, and we have submitted information in that
20 respect.

21 There are also additional questions on
22 alternative cooling methods in the second round of
23 data requests.

24 HEARING OFFICER WILLIAMS: So that's an
25 ongoing discussion?

1 MS. THOMPSON: Yes.

2 HEARING OFFICER WILLIAMS: Okay. What
3 about the negotiations with the Water District?
4 Can you address that question for us today?

5 MS. THOMPSON: Well, if we go back in
6 time, of course we do have the will-serve letter
7 from the Water District that was a part of the
8 application for certification.

9 It did have some conditions attached to
10 it. We have discussed further with the Water
11 District over the many months how that supply
12 would occur.

13 The most recent discussions were in a
14 meeting as recently as this week. And I believe
15 that there are drafts of final letter agreements
16 being exchanged.

17 HEARING OFFICER WILLIAMS: Okay. Is
18 that your understanding, the representative from
19 the Water District?

20 MR. GERMAN: We met with FPL on Tuesday,
21 I believe. There has been further discussions.
22 There's a proposal that FPL has submitted to
23 the -- or there has been a proposal being
24 discussed between the District and FPL, and it
25 most likely will be addressed by the board this

1 next week.

2 HEARING OFFICER WILLIAMS: In other
3 words the board will be considering FPL's
4 proposal?

5 MR. GERMAN: Yes.

6 HEARING OFFICER WILLIAMS: And that
7 proposal sets forth the scope of work and costs
8 and that sort of thing?

9 MS. THOMPSON: The proposal is focused
10 on water source and water supply, and the
11 financial terms between FPL and the Water
12 District.

13 HEARING OFFICER WILLIAMS: What about
14 construction costs, surveys and all that sort of
15 stuff that has to go forward for the District to
16 supply applicant with the water?

17 MS. THOMPSON: Well, I don't know if
18 it's appropriate to get into the specific
19 financial terms --

20 HEARING OFFICER WILLIAMS: No, I'm not
21 asking for specific terms. I just want to know
22 what discussion or what agreement, if there's one
23 imminent or pending or what.

24 MS. THOMPSON: We believe that the
25 agreement, if approved next week, as proposed

1 between the parties currently, -- may I ask you to
2 rephrase your question? I'm not sure what you're
3 asking.

4 HEARING OFFICER WILLIAMS: Well, we
5 heard some discussion earlier about locations for
6 the wells being identified; the wells still have
7 to be constructed. You know, whatever surveys
8 that go along with the construction, whatever
9 costs go along with the construction.

10 What I'm trying to find out is where in
11 the process are you with the District in terms of
12 finalizing those types of issues.

13 MS. THOMPSON: We have been exploring a
14 number of various water supply scenarios since
15 this issue became a big issue in this proceeding.

16 What we propose in the supplement is
17 going to be influenced by what happens next week.
18 So I'm struggling to give you an answer because we
19 are, indeed, anxious to have that water workshop.

20 At this point what's discussed between
21 the applicant and the Water District would involve
22 the applicant constructing the wells, so we
23 wouldn't need to address reimbursement issues
24 dealing with construction of the wells.

25 HEARING OFFICER WILLIAMS: Staff.

1 MS. HOLMES: Well, obviously we're
2 waiting for the information. There's not a lot
3 more I can say. We've got a series of outstanding
4 data requests related to water supply. We're
5 particularly concerned about the environmental
6 impacts associated with water supply.

7 If the applicant and the District have
8 reached some kind of an agreement whereby the size
9 of the well, the type of the well, the location of
10 the well are all identified that's going to be
11 helpful for us in narrowing the scope or refining
12 the scope of our examination.

13 But we need to see that information.

14 HEARING OFFICER WILLIAMS: Has there
15 been discussion with officials from McClellan Air
16 Force Base concerning the migration of groundwater
17 contamination? Has that occurred?

18 MS. THOMPSON: If you'll give me just a
19 second. There have been a number of conversations
20 with various entities involved in the McClellan
21 plume.

22 I don't know if I can say officials of
23 the McClellan Air Force Base, because the cleanup
24 is not necessarily being handled by the Air Force,
25 as I understand it currently.

1 I apologize, I don't have the details of
2 all of those conversations at my fingertips. Some
3 of them were described in the data responses to
4 the first round of data requests. There have been
5 further contacts subsequent to that.

6 HEARING OFFICER WILLIAMS: I also have a
7 question that wasn't posed in the notice, but I
8 seem to recall reading someplace that there had
9 been -- well, let me rephrase.

10 Did you present in your alternatives
11 package any data suggesting that you looked at
12 McClellan as an alternate site for the power
13 plant?

14 MS. THOMPSON: We have not at this
15 point. It's certainly something that the
16 community has asked in public comment. We have
17 done a pretty comprehensive study of whether that
18 would be feasible. And it's our conclusion at
19 this point in time that land is not available.

20 Now I understand that's somewhat
21 counterintuitive to people who drive by and see
22 big open spaces. But there has been some
23 comprehensive planning associated with the Base
24 reviews. And it appears at this time that there
25 would not be a site available for a power plant of

1 this size.

2 HEARING OFFICER WILLIAMS: Staff?

3 MS. HOLMES: Staff is looking at the
4 McClellan site in its alternatives analysis. It's
5 one of the alternative locations to the project.

6 With respect to whether or not there has
7 been consultation with people who are responsible
8 for the cleanup efforts, I, too, must apologize.
9 I tried and failed to be able to converse with the
10 staff person who is working on this specific
11 issue.

12 This very specific issue of the
13 McClellan plume is being handled by one of our
14 many consultants, and I have not been able to get
15 in touch with her to find out what the status of
16 any conversation she's had.

17 HEARING OFFICER WILLIAMS: McClellan is
18 rather close to the proposed site, is that right?

19 MS. HOLMES: That's right.

20 HEARING OFFICER WILLIAMS: And I take it
21 that at least the property, were it not for the
22 federal government, would be within the
23 jurisdiction of the County, Sacramento County, as
24 well?

25 MS. HOLMES: It's within Sacramento

1 County. It also has -- one of the reasons that we
2 specifically have looked at this, the potential
3 for re-use of some of the contaminated water for
4 cooling water, which would alleviate some of our
5 concerns about water supply for the project.
6 That's why we're looking at it so closely.

7 HEARING OFFICER WILLIAMS: And I take it
8 you're talking with the County officials about
9 these issues, as well?

10 MS. HOLMES: We will be.

11 HEARING OFFICER WILLIAMS: Okay.
12 Members of the public, please approach the
13 microphone if you would like to. Because I think
14 that was our final -- this is our final topic. So
15 we're nearing a close.

16 So, please, if you have any further
17 comment now is the time.

18 MR. ROBINSON: Preston Robinson. I have
19 a comment on, I think this is a docket 01-AFC-1
20 data request.

21 In the letter dated February 28, 2001,
22 the Rio Linda/Elverta Community Water District
23 stated that groundwater depth in neighboring wells
24 may be affected by the operation of new wells to
25 serve this project.

1 The District also stated that ongoing
2 investigation into toxic groundwater pollution
3 under McClellan Air Force Base may result in
4 future discovery that impact from additional
5 pumping currently identified as less than
6 significant were not properly categorized.

7 In the AFC the applicant claims
8 groundwater quality will not be affected by the
9 site development or operation. AFC P-549 and
10 provided estimates for the dwn draw of neighboring
11 wells resulting for the operation of the new plant
12 or new wells, rather.

13 Thank you.

14 HEARING OFFICER WILLIAMS: Are there any
15 further comments? Yes.

16 MS. CAMATTI: Patricia Camatti. I feel
17 that McClellan or Mather Air Force Base would be a
18 more appropriate site for a power plant such as
19 being proposed. There's gas lines available at
20 McClellan. There's the water that could be
21 utilized that could help to contain that plume
22 from migrating any further.

23 There's no immediate housing around
24 there. They also have air quality credits that
25 are available through those sites.

1 Thank you.

2 HEARING OFFICER WILLIAMS: Thank you.

3 Anything further?

4 COMMISSIONER MOORE: No. I would only
5 urge everyone to get involved at the workshop
6 stage and to make sure that when counsel gives you
7 the high sign that you recognize them and take
8 their comments before stumbling off into the
9 distance. Counsel.

10 MS. HOLMES: Thank you. I hope none of
11 us stumbles.

12 I just wanted to make it clear that when
13 we talked about staff suspending work on the
14 project we did not mean that we would stop working
15 with the agencies.

16 It's our intent to continue to work with
17 the County and any other, the Water District, any
18 other governmental agency that is, itself, working
19 on this project and needs our assistance. It's
20 our full intention to cooperate with those
21 efforts. I just wanted to make that clear.

22 COMMISSIONER MOORE: If I were to
23 paraphrase that then what I would say is that
24 although suspension, should it come about, is a
25 formal event, or semi-formal event at this level

1 it doesn't mean that the staff is treating this as
2 a project which has gone away.

3 That, in fact, there are certain work
4 products that are already in process and they
5 won't be stopped, especially as they deal with
6 other agencies.

7 MS. HOLMES: That's a good
8 characterization.

9 COMMISSIONER MOORE: So, with that I
10 just return to my remark about having the public
11 participate. One of the most valuable sessions
12 that are available through the process that we run
13 are those informal sessions, the workshops, where
14 staff gets to interact with the public.

15 And frankly, it's a better place to get
16 your questions answered than the forum that we
17 have to conduct here, which is a little stylized
18 and a little more formalized than perhaps the
19 public is used to.

20 So it's a good place to get your
21 questions answered, and certainly make the staff
22 aware of your concerns.

23 And I don't have any other comments,
24 other than to say that we'll render a decision
25 forthwith. And make it known what we think about

1 the issue of suspension and/or going forward at
2 this time.

3 HEARING OFFICER WILLIAMS: Again, we
4 have pictures and a letter that Mr. Chaddock
5 provided here. I would ask -- I would make this
6 available to staff for copying. Make sure that
7 the applicant gets a copy of --

8 COMMISSIONER MOORE: Can we make sure
9 that's in docket?

10 HEARING OFFICER WILLIAMS: -- of that
11 and docket it. Applicant, do you have anything
12 that you'd like to offer?

13 MS. THOMPSON: Yes, actually I would
14 like to speak to the overall issue of schedule
15 before we convene, because I think that is the
16 most important thing that we are facing --

17 HEARING OFFICER WILLIAMS: Before we
18 adjourn.

19 MS. THOMPSON: -- here today.

20 HEARING OFFICER WILLIAMS: Okay, yeah.
21 Let's do that.

22 MS. THOMPSON: This proposal of
23 suspension is quite perplexing to me. I mean what
24 we're talking about here is a proposed suspension
25 until two events occur. These events are

1 scheduled to occur within three and four weeks
2 respectively, at least according to what, you
3 know, we've proposed here.

4 Worst case they could both occur within
5 three weeks if the Committee does not approve our
6 request for October 8th as the date for submission
7 of the second round of data responses.

8 If that is not approved then it would
9 default to the automatic 30 days, which would make
10 it three weeks from today.

11 So I'm a little mystified -- and, Mr.
12 Williams, you've said that the order probably
13 would not come out before next week's workshop.

14 So that means we might have an order
15 that suspends the project for a whopping two
16 weeks, yet from my perspective there's a lot that
17 needs to be done even before we submit our
18 supplement.

19 Certainly the water issues are of
20 critical importance to everyone that has appeared
21 not only before you here today, but at all of the
22 workshops. It's been an issue that's on
23 everyone's mind. It's not an issue that can be
24 set aside.

25 We obviously have a lot of work to do on

1 noise significance threshold. That's not one that
2 can be set aside, either, otherwise when we submit
3 our supplement we will not know what we are aiming
4 for. And so it will prolong the process.

5 In addition, as I've pointed out in my
6 status report, I don't know that all the work has
7 been completed on what has been submitted to staff
8 today on the many things that are not changing on
9 this project. We're only talking about a handful
10 of discrete things, all of which are in response
11 to concerns, issues that staff has said they might
12 consider significant.

13 And so we have been trying always at the
14 earliest point in time to adjust the project,
15 rather than waiting and have it be found
16 conclusively to be significant at some later point
17 in time.

18 Yet it's just a handful of issues. The
19 change in the cooling tower to accommodate plume
20 abatement has already been described in detail in
21 the information presented to staff. And that has
22 been in their hands since July.

23 We have Western's preference change on
24 the substation. We have water issues which, of
25 course, we can't finally resolve until next week.

1 And we have the change to the turbine hall.

2 So, I mean it's a very limited number of
3 things that are changing. There is much that is
4 not changing. The analysis will not have to
5 change on the part of staff, and yet at least from
6 what I see, I don't think staff has completed all
7 of what they have.

8 For example, it's only in the last week
9 that we received the first data request on air
10 quality. So, I think that there is probably work
11 that -- I can appreciate Mr. Lance's concern that
12 he doesn't want to be putting in work on things
13 that are going to change.

14 But on the things that are not changing,
15 questions that would be applicable regardless of
16 whether the turbine hall is 80 feet or 40 feet, I
17 do urge the Committee to not suspend the project
18 and allow that to proceed.

19 I'm not sure what a two-week suspension
20 means. I think it means actually much longer
21 suspension, because the schedule would not be set
22 until some future status conference.

23 HEARING OFFICER WILLIAMS: Again, the
24 Committee has several options. The Committee
25 could issue an interim scheduling order. It could

1 issue a revised scheduling order. It could
2 suspend the project based upon the recommendations
3 proffered by staff, which again would mean, as you
4 characterize it, maybe three, four weeks delay.

5 So we're going to look at the options
6 and we'll render a decision accordingly. But, in
7 any event, I think staff has made clear that the
8 footwork that needs to be done and should be done
9 will continue in any event.

10 Yes?

11 MS. HOLMES: I'd like to offer one point
12 of clarification.

13 HEARING OFFICER WILLIAMS: Yes.

14 MS. HOLMES: And that's that our
15 proposal was that there be three events that
16 trigger resumption of full work on the project.
17 And the third one was the PDOC, which we've now
18 heard is not going to be issued until November at
19 the earliest.

20 HEARING OFFICER WILLIAMS: That's right.
21 Yes, ma'am.

22 MS. CAMATTI: I also would like to note
23 that I was at the board of supervisors meeting
24 about the zoning for this piece of property in
25 question. They're not scheduled until October

1 3rd, and so we don't even know what the zoning
2 issue is on this.

3 It's possible that it may have to go
4 through another public process to even finalize
5 what is going on with this piece of property.

6 And I'd also like to clarify that I
7 heard here today that they have no real holding on
8 this property. So why are we all wasting our time
9 on a piece of property that this applicant has no
10 control of?

11 MS. THOMPSON: Just for clarification,
12 we do have site control. It's a matter of whether
13 we own the property now. And since we don't own
14 it now, we don't control who goes on it now. The
15 land owner does.

16 HEARING OFFICER WILLIAMS: Yes. Yes,
17 sir.

18 MR. LARKINS: Again, my name's Greg
19 Larkins. Just so I'm clear, what timeframe are we
20 looking at for you to render your decision? And,
21 also, getting that decision out to the public, as
22 far as notification of that decision? I'm kind of
23 foggy on your stating your dates.

24 HEARING OFFICER WILLIAMS: Well, I think
25 that the Committee has to look at several issues

1 in its deliberation. And quite frankly, I think
2 it would be helpful to have the transcript of the
3 proceeding here today to assist us in our
4 deliberations. You know, we can do something
5 about that. We can certainly put a rush on the
6 transcript.

7 But, clearly, you know, today is Friday,
8 and, you know, --

9 MR. LARKINS: I'm not asking exactly,
10 just --

11 HEARING OFFICER WILLIAMS: -- we're not
12 going to have the transcript until sometime next
13 week.

14 MR. LARKINS: -- just in general.

15 HEARING OFFICER WILLIAMS: So, I think
16 we're looking at probably within ten days. And I
17 don't want to join the two issues before the
18 Committee, but in the back of my mind we also have
19 the -- and I don't want the applicant to forget
20 that we also have the issue of the new intervenor
21 request, as well.

22 So, I think ten days is probably a good
23 timeframe.

24 MR. LARKINS: And then as far as
25 notification, is that something you'll put on your

1 website, or --

2 HEARING OFFICER WILLIAMS: It will be on
3 the website.

4 MR. LARKINS: Okay.

5 HEARING OFFICER WILLIAMS: Absolutely.
6 So, Commissioner?

7 PRESIDING MEMBER ROSENFELD: Nothing
8 more.

9 HEARING OFFICER WILLIAMS: Okay, I think
10 with that then -- staff?

11 MR. SHAW: I would like to make one last
12 comment, if I may, for staff. Lance Shaw again,
13 Siting Project Manager.

14 Staff's posture is that this is not a
15 two-week hold on the project. The issues are
16 quite a bit more significant. And the item is,
17 and we've discussed this in workshops, we have
18 some 40-plus people working on the project with
19 items still in flux.

20 And so we could do a preliminary staff
21 assessment, it would just be many many gaps,
22 comma, new paragraph.

23 Once we get the supplement from the
24 applicant there will certainly be additional data
25 requests. Staff would like to have a chance to

1 have those out and responses to those data
2 requests before issuing its PSA.

3 Staff can do it either way, but that's
4 the preference.

5 HEARING OFFICER WILLIAMS: And if
6 nothing else, I think, staff, your position is
7 very clear.

8 (Laughter.)

9 HEARING OFFICER WILLIAMS: Yes?

10 MS. ROBINSON: I'm Lois Robinson, and
11 I'd like to plead with you people not to make a
12 quick decision on this. PFL is in a hurry to get
13 this thing passed through. And the people that
14 live downtown Sacramento is going to have --
15 they're going to be impacted by this plant. And
16 we're going to be stuck with it for 40 years. So
17 why shouldn't they be in a hurry to put it in
18 there just like that.

19 And we're going to be stuck forever,
20 stuck with it forever and the pollution. And it's
21 going to come right down in Sacramento area. And
22 all of you people that don't think it's going to,
23 wake up.

24 Thank you.

25 HEARING OFFICER WILLIAMS: Okay. Seeing

1 no further comment, I think this meeting is
2 adjourned.

3 (Whereupon, at 11:45 a.m., the
4 conference was concluded.)

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CERTIFICATE OF REPORTER

I, VALORIE PHILLIPS, an Electronic Reporter, do hereby certify that I am a disinterested person herein; that I recorded the foregoing California Energy Commission Status Conference; that it was thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said conference, nor in any way interested in outcome of said conference.

IN WITNESS WHEREOF, I have hereunto set my hand this 14th day of September, 2001.

VALORIE PHILLIPS

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